

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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John Dasta,

Plaintiff,

v.

**ORDER**

Civil File No. 04-4475 (MJD/RLE)

Bobby Shearin, Dr. Leonardo F.  
Giron, Julie Hayes, Howard Nelson,  
and Bernie Richards, in their official  
and individual capacities,

Defendants.

This matter is before the Court on Plaintiff John Dasta's ("Plaintiff") application to proceed *in forma pauperis* ("IFP") on appeal. [Docket No. 106]. Plaintiff has not accompanied his request with an initial partial payment of the filing fee. Plaintiff's application reveals that in the six-month period immediately preceding the filing of the notice of appeal, the average monthly deposits to Plaintiff's account were \$1,775.33 and the average monthly balance in Plaintiff's account was \$239.34. [Docket No. 106]. Plaintiff's average monthly deposits equal an annual income of \$21,300. The 2006 poverty guidelines indicate that the poverty level for an individual is \$9,800. See Vol. 71 Fed. Reg. 3848-49 (January 24, 2006). Based on the facts presented, the Court finds that Plaintiff is not financially eligible for IFP status.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED** that Plaintiff's Application to Proceed Without Prepayment of Fees [Docket No. 106] is **DENIED**.

Dated: July 27, 2006

s / Michael J. Davis  
Michael J. Davis  
United States District Court Judge